

3701-29-16.1 **O&M management.**

This rule promotes a proactive and preventive approach to managing STS performance. The operation permits required in statute and rule serve as the legal means to establish O&M requirements, and in some cases, mandatory service contracts. The "USEPA Voluntary National Guidelines for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems (2003)" provides a resource for assessment of state and local management programs.

(A) The board of health shall implement an O&M management program in compliance with Chapter 3718. of the Revised Code and this chapter. An O&M management program shall include but is not limited to the provisions of this rule such that any additional provisions of an O&M management program established by the board of health shall not be considered as more stringent standards subject to division (B) of section 3718.02 of the Revised Code:

(1) STS permit records shall be organized by location providing a history of siting, design, installation, alteration, operation, monitoring, maintenance, and abandonment activities. The results of any O&M monitoring or reporting required by this chapter shall be maintained in the STS permit record.

(2) The board of health shall comply with operation permit requirements in paragraph (C) of rule 3701-29-09 of the Administrative Code.

(3) Tracking of activities and requirements associated with the conditions of an operation permit or this chapter shall be required, including but not limited to:

(a) Dates of board of health operation inspections including the inspection required in paragraph (C)(3) of rule 3701-29-09 of the Administrative Code.

(b) Time line for the expiration and renewal of an operation permit as applicable.

(c) Record of owner compliance with service contract requirements in accordance with this chapter and the operation permit conditions established in paragraph (C)(5) of rule 3701-29-09 of the Administrative Code.

(4) O&M in accordance with manufacturer's instructions shall be met when required as a condition of an operation permit or this chapter. A person may demonstrate the required O&M in lieu of having a board of health inspection conducted when an inspection is otherwise required. This may include a person securing a service contract or being certified for O&M service by a manufacturer in lieu of a required board of health inspection for which an inspection fee is charged. This shall not preclude the board of health from conducting compliance inspections for general oversight purposes nor from requiring payment of an operation permit fee for O&M management.

(B) When establishing O&M management provisions in addition to those required in this chapter, the board of health shall consider the following

- (1) Increased levels of management related to risk conditions associated with higher STS density, STS complexity and reliability, and the location of STS in areas of high risk for surface or ground water contamination or where there are existing unsanitary conditions due to a high incidence of STS substandard performance or failure.
- (2) Recording of operation permit conditions, service contract requirements, or other O&M management information on property deeds as a means to provide notification upon transfer of property served by an STS.
- (3) Utilization of private sector professionals and responsible management entities or designation of qualified agents to conduct monitoring or other O&M management responsibilities when the board of health provides oversight to assure compliance with this chapter.
- (4) Inclusion of alternative O&M management mechanisms such as web-based reporting, remote telemetry, and use of publicly and privately available database programs to support O&M tracking requirements.
- (5) Establishment of a household sewage treatment district in accordance with division (A)(12) of section 3718.02 of the Revised Code and the following minimum criteria and procedures:
 - (a) A household sewage treatment district established by a board of health shall provide a responsive approach to prevent or resolve sewage treatment problems from HSTS within an established district.
 - (b) When establishing a household sewage treatment district the board of health shall by formal resolution provide in writing the authority, purpose, scope, and details of the district management program including any fees.
 - (c) In advance of the adoption of a resolution establishing a household sewage treatment district, the board of health shall provide public notice in a newspaper of general circulation and shall inform all affected homeowners by mail at least ninety days in advance of the adoption of the resolution.
 - (d) The board of health may enter into a contract with any entity to administer a household sewage treatment district management program.

In establishing an O&M management program and adopting any additional provisions, a board of health may not relinquish or delegate responsibility for

assuring compliance with this chapter.

(C) The O&M management program shall include additional provisions when the board of health has expanded its local authority through the regulation of SFOSTS in accordance with this chapter and/or the oversight of semipublic disposal systems in accordance with section 3701.085 of the Revised Code.

Effective:

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Certification

Date

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